

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

CHARLES W. VERNON,

Plaintiff,

vs.

CORRECTIONAL OFFICER
MARK ALLEN,

Defendants.

NO. CV-11-5046-CI

ORDER ADOPTING REPORT AND
RECOMMENDATION AND
DISMISSING COMPLAINT WITHOUT
PREJUDICE

1915(g)

Magistrate Judge Imbrogno filed a Report and Recommendation on August 8, 2011, recommending Mr. Vernon's civil rights complaint be dismissed without prejudice under 28 U.S.C. §§ 1915(e)(2) and 1915A(b)(1) for failure to state a claim upon which relief may be granted. Although notified of the requirement to keep the court informed of his address, Plaintiff has not done so. The court has attempted, but has been unable, to locate Plaintiff. There being no objections, the court **ADOPTS** the Report and Recommendation. The Complaint is **DISMISSED WITHOUT PREJUDICE**.

Pursuant to 28 U.S.C. § 1915(g), enacted April 26, 1996, a prisoner who brings three or more civil actions or appeals which are dismissed as frivolous or for failure to state a claim will be precluded from bringing any other civil action or appeal *in forma pauperis* "unless the prisoner is under imminent danger of serious physical injury." 28 U.S.C. § 1915(g). **Plaintiff is advised to read the new statutory provisions under 28 U.S.C. § 1915. This dismissal of Plaintiff's complaint may count as one of the three dismissals allowed by 28 U.S.C. § 1915(g) and may adversely affect his ability to file**

1 future claims.

2 **IT IS SO ORDERED.** The District Court Executive is directed to enter this
3 Order, enter judgment, forward copies to Plaintiff at his last known address, and close
4 the file. The District Court Executive is further directed to forward a copy of this Order
5 to the Office of the Attorney General of Washington, Criminal Justice Division. The
6 court certifies any appeal of this dismissal would not be taken in good faith.

7 **DATED** this 26th day of August, 2011.

8 *s/Lonny R. Suko*

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10 LONNY R. SUKO
11 UNITED STATES DISTRICT JUDGE
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